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ACTION ARA-14

INFO OCT-01 ISO-00 SP-02 DHA-05 SS-15 INR-07 /044 W
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FM AMEMBASSY BUENOS AIRES
TO SECSTATE WASHDC 2090
INFO AMEMBASSY ASUNCION
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AMEMBASSY SANTIAGO

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E.O. 11652: GDS
TAGS: OTRA, SHUM, PINT, PGOV (TODMAN, TERENCE A.), AR
SUBJECT: TODMAN VISIT: HUMAN RIGHTS AND RELATED ASPECTS

REF: BUENOS AIRES 6127

1. SUMMARY. DURING HIS AUGUST 13-16 VISIT
IN BUENOS AIRES MR. TODMAN HELD SEVERAL
MEETING TOUCHING UPON HUMAN RIGHTS IN
ARGENTINA, AND RAISED SEVERAL SPECIFIC
CASES WITH ARGENTINE AUTHORITIES OF PERSONS
WHOSE TREATMENT IS OF SPECIAL INTEREST TO
THE US. GEORGE LISTER, WHO ACCOMPANIED THE
ASSISTANT SECRETARY, HAD EXTENDED MEETINGS
ON THIS SUBJECT WITH HUMAN RIGHTS
ORGANIZATIONS AND FAMILIES OF PERSONS
JAILED OR DISAPPEARED, IN ADDITION TO
REVIEWING SCORES OF LETTERS FROM
PETITIONERS WHO ASKED THAT TODMAN BECOME INVOLVED IN
OTHER SPECIFIC CASES. HE ALSO MET WITH THE US
REPRESENTATIVE TO THE JEHOVAH'S WITNESSES HERE, AND WITH
TWO PERSONS KNOWLEDGEABLE OF THE JEWISH COMMUNITY. A
SEPARATE TELEGRAM DESCRIBES CONVERSATIONS AT THE
MINISTRY OF FOREIGN AFFAIRS, INCLUDING THOSE ON HUMAN

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RIGHTS. END SUMMARY

2. SUPREME COURT - AT NOON AUGUST 15, AMBASSADOR
TODMAN CALLED ON CHIEF JUSTICE HEREDIA AT THE

Department of State, A/GIS/IPS/SRP

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SUPREME COURT. CHIEF JUSTICE HEREDIA DURING THE MEETING WAS JOINED BY ASSOCIATE JUSTICES PEDRO JOSE FRIAS, ADOLFO R. GABRIELI AND ABELARDO F. ROSSI. TODMAN EMPHASIZED THE IMPORTANCE OF THE RULE OF LAW IN OFFERING SHELTER TO A PEOPLE ASKING FOR JUSTICE. JUSTICE HEREDIA WITH GREAT FEELING AGREED--WHILE AT THE SAME TIME DESCRIBING A SITUATION IN ARGENTINA IN WHICH THE ADMINISTRATION OF JUSTICE CLEARLY GIVES WAY TO EXIGENCIES OF THE COUNTRY'S SECURITY SITUATION. AS THE CHIEF JUSTICE APPLAUDED THE INTEGRITY AND INDEPENDENCE OF THE COURT'S SYSTEM, HE ALSO EXPLAINED HOW EXECUTIVE POWER--THE "PODER EJECUTIVO NACIONAL"--HAD VIRTUALLY UNLIMITED POWER TO ACT UPON ITS OWN IN ROUTING OUT THOSE "ATTACKING ARGENTINA'S BASIC SYSTEM OF LIFE AND GOVERNMENT." IN ANSWER TO A QUESTION OF MR. TODMAN ON MEANS BY WHICH THE POWER OF THE EXECUTIVE COULD BE LIMITED IF NECESSARY, JUSTICE HEREDIA SPOKE OF THE NEED FOR THE EXECUTIVE POWER ITSELF TO ACT UPON A PREMISE OF "REASONABLENESS." JUSTICE FRIAS ADDED THAT THE SUPREME COURT FOUR MONTHS AGO HAS ASSERTED ITSELF IN THIS AREA BY APPEALING TO THE EXECUTIVE POWER TO ASSIST THE COURTS IN REQUIRING POLICE AND SECURITY AUTHORITIES TO GIVE ATTENTION TO WRITS OF HABEAS CORPUS. (COMMENT: THE COURT JUST PRIOR REQUIRING THE EXECUTIVE TO DEMONSTRATE THE "REASONABLENESS" OF THE INCARCERATION WITHOUT CHARGES FOR OVER TWO YEARS OF A MR. ZAMORANO UNDER THE SPECIAL "STATE OF SIEGE" RULES.)

3. JEHOVAH'S WITNESSES - US REPRESENTATIVE IN

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ARGENTINA OF THE JEHOVAH'S WITNESSES COMMUNITY CHARLES R. EISENHOWER DESCRIBED DURING A HALF HOUR MEETING WITH MR. TODMAN THE ALARMING LEGAL SITUATION IN WHICH HE AND THE COMMUNITY OF WITNESSES FIND THEMSELVES. AS REPORTED EARLIER (BUENOS AIRES 5028) THE GOVERNMENT HAS APPEALED TO THE SUPREME COURT AN APPELLATE COURT DECISION TO SET ASIDE A GOVERNMENT DECREE PUTTING SEVERE LIMITATIONS UPON THE ACTIVITIES OF THE JEHOVAH'S WITNESSES TO PREACH AND ASSEMBLE. MR. EISENHOWER SPOKE OF THE WILLINGNESS OF SECT MEMBERS TO BEAR THE DISAPPROVAL OF AUTHORITIES FOR REFUSING TO DO MILITARY SERVICE, SALUTE THE ARGENTINE FLAG, SING THE NATIONAL ANTHEM AND GENERALLY TO DISPLAY RESPECT FOR THE SYMBOLS OF STATE AUTHORITY. WHAT HE HAD HOPED THE APPEAL COURT'S DECISION WOULD ACCOMPLISH WAS TO REMOVE ARGENTINA'S JEHOVAH'S

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WITNESSES FROM THE BLANKET ORGANIZATIONAL DISAPPROVAL THE ORIGINAL DECREE ENTAILED. MR. EISENHOWER IS HIMSELF UNDER CONSIDERABLE PERSONAL STRESS IN THAT CHARGES HAVE BEEN BROUGHT AGAINST HIM FOR HAVING PERSONALLY ORGANIZED AND ABETTED ACTS WHICH THE ARGENTINE SUPREME COURT, WHICH MUST NOW DECIDE THE CASE, MAY ULTIMATELY AGREE ARE "SUBVERSIVE". DURING THE CALL AT THE SUPREME COURT MR. TODMAN ALLUDED TO THE PLIGHT OF THE JEHOVAH'S WITNESSES WITHOUT OF COURSE RAISING FORMALLY A MATTER UNDER ADJUDICATION. SUPREME COURT MEMBERS AFFIRMED THAT WHILE THE GOVERNMENT'S APPEAL IS BEING CONSIDERED THE JEHOVAH'S WITNESSES COMMUNITY MUST ENDURE THEIR BEING OFFICIALLY BANNED UNDER THE ORIGINAL "PODER EJECUTIVO NACIONAL" RULING. (BUENOS AIRES 4870 OF JUNE 30, 1977 GIVES FURTHER DETAILS ON THE LEGAL CASE AGAINST THE WITNESSES.) MR. TODMAN ALSO RAISED THE CASE OF THE JEHOVAH'S WITNESSES WITH DEPUTY FOREIGN MINISTER ALLARA (WHO THOUGHT THE SUPREME COURT WOULD RULE IN THEIR FAVOR) AND WITH THE FOREIGN MINISTER (WHO WONDERED WHETHER MANY PERSONS WOULD JOIN THEM TO AVOID MILITARY SERVICE).

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4. JEWISH COMMUNITY - MR. TODMAN MET ALSO FOR HALF HOUR WITH RABBI MARSHALL MEYER, A US CITIZEN WHO HAS LIVED AND TAUGHT IN ARGENTINA 15 YEARS AS A PART OF THE JEWISH COMMUNITY HERE, AND WITH DAVID GELLER, CURRENTLY IN BUENOS AIRES TO SHUT DOWN (AT LEAST TEMPORARILY) THE OFFICE HERE OF THE AMERICAN JEWISH COMMITTEE (SEE STATE 175995). BOTH LEADERS SPOKE OF THE GREAT FEAR HERE THAT EXISTS AMONG THE JEWISH COMMUNITY, NOT BECAUSE THEY FEEL THAT ANTI-SEMITISM IS A POLICY OF THE ARGENTINE GOVERNMENT, BUT RATHER BECAUSE THEY SENSE THAT IN THIS CURRENT PERIOD OF WIDESPREAD LAWLESSNESS THE POSSIBILITY EXISTS OF ISOLATED ACTS AGAINST JEWS. MEMBERS OF THE JEWISH COMMUNITY DO NOT FEEL THEMSELVES ESPECIALLY SELECTED AS TARGETS IN COUNTER-SUBVERSION EFFORTS, BUT THEY DO BELIEVE THAT, ONCE ARRESTED, JEWS ARE GIVEN MUCH MORE BRUTAL TREATMENT. MR. TODMAN RAISED THE QUESTION OF THE JEWISH COMMUNITY WITH THE PRESIDENT WHO DISAVOWED ANY ANTI-SEMITIC POLICY IN THE GOVERNMENT OR GENERALLY AMONG THE PEOPLE, AND WITH THE MINISTER OF ECONOMY WHO STATED THAT THE PREAMBULAR PORTION OF THE DECREE BANNING CABILDO MAGAZINE HAD STRONGLY DENOUNCED ANY ANTI-SEMITISM.

5. GEORGE LISTER'S MEETINGS - MRS. LISETER AND

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MR. FEINBERG MET WITH THREE REPRESENTATIVES OF THE PERMANENT ASSEMBLY ON HUMAN RIGHTS ON AUGUST 15. THE CONVERSATION WAS A TOUR D' HORIZON OF THE POLITICAL AND PSYCHOLOGICAL BASIS FOR THE STRONG COUNTER-TERRORIST ACTIONS OF THE GOVERNMENT, THE APPARENT OR POSSIBLE CHANGE FROM COUNTER-TERRORISM TO COUNTER-SUBVERSION USING THE SAME PROCEDURES, AND THE ATTENDANT ADVERSE LEGAL AND HUMAN RIGHT CONSEQUENCES. THE NEXT MEETING WAS TO HEAR OF THE DISAPPEARANCES OF THE CHILDREN OF THREE MOTHERS OF THE "WOMEN OF THE PLAZA DE MAYO" -- A SPONTANEOUS GROUP OF SOME 100 WOMEN WHO STAND FOR A HALF HOUR EACH THURSDAY AFTERNOON IN FRONT OF THE CASA ROSADA AS A SILENT REMINDER OF THEIR "DISAPPEARED CHILDREN". (COMMENT: DURING MR. TODMAN'S CALL ON PRESIDENT VIDELA, THIS GROUP STAGED A SILENT VIGIL WHICH BROKE INTO SEOM PUSHING AND SHOVING WITH POLICE AS THE WOMEN RESCUED A NBC RADIO REPORTER WHO WAS INTERVIEWING THEM FROM ARREST BY LOCAL POLICE AND

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COVERED THE REPORTER'S HASTY ESCAPE.) MR. LISTER MET ALSO WITH OFFICIALS FROM THE ARGENTINE BISHOPS' CONFERENCE TO DISCUSS THE BISHOPS' STATEMENT ON HUMAN RIGHTS AND THE CURRENT EFFORTS IN THIS AREA. THE ADMINISTRATION'S HUMAN RIGHTS POLICY WAS APPLAUDED BY ALL THE INDIVIDUALS SEEN. THEY CONSIDER IT AN IMPORTANT AND POSITIVE FORCE IN ARGENTINA. HOWEVER, SEVERAL OF THOSE INTERVIEWED EXPRESSED THEIR CONCERN THAT AS THE PROBLEM WAS AN ARGENTINE ONE, TOO STRONG A PUSH BY THE US MIGHT BE COUNTER-PRODUCTIVE IN RAISING NATIONALISTIC ANTAGONISMS AGAINST THE US.
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